

1-8-02  
130 X 320 / #

**NON-PROVISIONAL  
UTILITY PATENT APPLICATION  
TRANSMITTAL - 37 CFR 1.53(b)**

☐ **Duplicate**  
(check, if applicable)

Assistant Commissioner for Patents  
**BOX PATENT APPLICATION**  
U.S. Patent and Trademark Office  
P.O. Box 2327  
Washington, DC 20231

**Attorney Docket No. 10620-1U1**  
**First Named Inventor: Chulso Moon**  
**Express Mail Label No. EL916936655US**  
**Total Pages of Transmittal Form: 2**

Transmitted herewith for filing is the non-provisional utility patent application entitled:

**DAP-Kinase and HOXA9, Two Human Genes Associated With Genesis, Progression, and  
Aggressiveness of Non-Small Cell Lung Cancer**

which is:

an ☒ Original; or

a ☐ Continuation, ☐ Divisional, or ☐ Continuation-in-part (CIP)  
of prior Application No. &@ filed&@.

Anticipated Group/Art Unit: &@ or Class &@, Subclass &@.

☒ This non-provisional patent application is based on Provisional Patent Application  
No. 60/250,083, filed November 29, 2000.

Enclosed are:

- ☒ Specification (including Abstract) and claims: 28 pages.
- ☒ Application Data Sheet.
- ☒ Non-executed Declaration.
- ☐ Copy of Declaration from prior application.
- ☐ Separate Power of Attorney (including 37 CFR 3.73(b) statement, if applicable).
- ☒ 9 sheets of drawings (formal).
- ☐ Transmittal Letter Accompanying Submission of Compact Disc in Accordance  
with 37 C.F.R. §1.52(e), plus two identical compact discs (for computer program  
Appendix)
- ☒ Nucleotide and/or Amino Acid Sequence Submission, including:
  - ☒ Computer readable copy ☒ Paper Copy ☒ Verified Statement.
- ☐ Under PTO-1595 Cover Sheet, an assignment of the invention
- ☒ Name of Assignee: Cangen International
- ☐ Certified copy(ies) of &@ Application No(s). &@ filed &@ is/are filed:
  - ☐ herewith or ☐ in prior application &@.
- ☒ Applicant(s), by its/their undersigned attorney, claim(s) Small Entity Status under  
37 C.F.R. §1.27 as ☐ an Independent Inventor, or ☒ a Small Business Concern,  
or ☐ a Non-Profit Organization.
- ☒ Preliminary Amendment.
- ☐ Information Disclosure Statement, PTO/SB/08A, and cited references.

11/29/01  
JCS20 U.S. PTO

J1011 U.S. PTO  
10/045400  
11/29/01

The filing fee is calculated as follows:

			SMALL ENTITY		LARGE ENTITY	
CLAIMS	NO. FILED	NO. EXTRA	BASIC FEE: \$370		BASIC FEE: \$740	
Total	17 - 20 =	0	X9	\$ 0	OR	X18 \$
Independent	8 - 3 =	5	x42	\$ 210	OR	X84 \$
<input type="checkbox"/> Multiple Dependent Claims Present			\$140	\$	OR	\$280 \$
			<b>TOTAL</b>	<b>\$ 580</b>	<b>OR</b>	<b>TOTAL \$</b>

☐ **The Commissioner is not authorized to charge the filing fee at this time as we elect to defer payment of the entire filing fee until receipt of a Notice to File Missing Parts.**

☒ A check in the amount of \$580.00 to cover the filing fee is enclosed.

☒ The Commissioner is hereby authorized to charge and/or credit **Deposit Account No. 50-1017 (Billing No. 053846.0001)** as noted below. A duplicate copy of this sheet is enclosed.

☒ Any overpayments or deficiencies in the above-calculated fee.

☐ Filing fee in the amount of \$\_\_\_\_\_ as calculated above.

☒ Any additional fees required under 37 C.F.R. § 1.16 and § 1.17.

☒ In the event that a Petition for Extension of Time is required during the prosecution of this application, but not submitted, please charge any extension fee under 37 C.F.R. § 1.136(a) to our Deposit Account noted above.

**CORRESPONDENCE ADDRESS:**

29 November 2001  
(Date)

By: \_\_\_\_\_

**Gary D. Colby**

Registration No. 40,961

**AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.**

One Commerce Square

2005 Market Street - Suite 2200

Philadelphia, PA 19103

Telephone: 215-965-1200

**Direct Dial: 215-965-1285**

Facsimile: 215-965-1210

E-Mail: GColby@akingump.com

☒ Customer Number or Bar Code Label: **000570**

Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re:	Patent Application of Chulso Moon et al.	: Group Art Unit: Not Yet Assigned : : :
Appln. No.:	Not Yet Assigned	: Examiner: Not Yet Assigned : :
Filed:	Herewith	: : :
For:	DAP-KINASE AND HOXA9, TWO HUMAN GENES ASSOCIATED WITH GENESIS, PROGRESSION, AND AGGRESSIVENESS OF NON-SMALL CELL LUNG CANCER	: Attorney Docket No. : <b>10620-1</b> : (053846.0001) :

**STATEMENT TO SUPPORT FILING AND SUBMISSION  
IN ACCORDANCE WITH 37 CFR §§ 1.821 THROUGH 1.825**

( X ) I hereby state, in accordance with the requirements of **37 C.F.R. §1.821(f)**, that the contents of the paper and computer readable copies of the Sequence Listing, submitted in accordance with **37 C.F.R. §1.821(c)** and **(e)**, respectively are the same.

Respectfully submitted,

**Chulso Moon et al.**

29 November 2001  
(Date)

By: 

**GARY D. COLBY, Ph.D., J.D.**

Registration No. 40,961

**AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.**

One Commerce Square

2005 Market Street - Suite 2200

Philadelphia, PA 19103

Telephone: 215-965-1200

**Direct Dial: 215-965-1285**

Facsimile: 215-965-1210

E-Mail: gcolby@akingump.com

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER FOR PATENTS, BOX FILING DATE, WASHINGTON, D.C., 20231, ON THE DATE INDICATED BELOW.

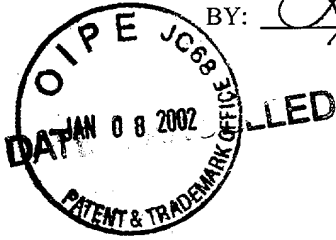
BY:

*Louisa Drain*

DATE:

*November 30, 2001*

BOX FILING DATE



**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

In Re: Patent Application of : Group Art Unit: Not Yet  
Assigned Chulso Moon et al. :  
Appln. No.: Not Yet Assigned : Examiner: Not Yet Assigned  
Filed: Herewith :  
For: DAP-KINASE AND HOXA9, TWO : Attorney Docket No.  
HUMAN GENES ASSOCIATED WITH : **10620-101**  
GENESIS, PROGRESSION, AND : (053846.0001)  
AGGRESSIVENESS OF NON-SMALL :  
CELL LUNG CANCER

*Receipt date  
granted is  
11/29/01.  
J. Chang  
from OPA*

**STATEMENT REGARDING EXPRESS MAIL DELIVERY  
REFUSED BY THE U.S. POSTAL SERVICE AND REQUEST FOR FILING DATE**

I attempted to deposit the correspondence in the enclosed sealed envelope bearing the Express Mail label number EL916936655US at the U.S. Postal Service facility at 30<sup>th</sup> and Market Streets in Philadelphia, Pennsylvania on **NOVEMBER 29, 2001**, and the correspondence was refused by the U.S. Postal Service, on the grounds that Express Mail correspondence was not being accepted for Washington, D.C. ZIP Codes 202xx through 205xx.

The Applicant respectfully requests that the application referenced above be accorded a filing date of November 29, 2001.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this patent application or any patent issuing thereon.

*11-30-01*

Date

*Edward Smith*

Edward Smith